

REMARKS

This Amendment is responsive to the Office Action dated December 15, 2004. Claims 18-29 were pending in the application. In the Office Action, claims 18-29 were rejected. In this Amendment, claim 18 has been amended. Claims 18-29 thus remain for consideration.

Applicants submit that claims 18-29 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

Double Patenting

Claims 18-29 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6, 661,706.

As noted by the Examiner, a timely filed terminal disclaimer may be used to overcome the provisional double patenting rejections provided the conflicting application and/or patent is shown to be commonly owned with the present application.

In the present case, the conflicting patent (U.S. Patent No. 6, 661,706) is commonly owned with the application and Applicants have elected to file a Terminal Disclaimer.

Accordingly, Applicants request that the double patenting rejection be withdrawn.

§102(b) Rejections

Claims 18-20 and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by Kikuchi et al. (U.S. Patent No. 6,226,202).

Applicants submit that the independent claim (claim 18) is patentable over Kikuchi.

Applicants' invention as recited in independent claim 18 includes a control circuit configured to read data stored in one page of the memory cell array and to "rewrite part of the read data and write the rewritten data" in the other page of the memory cell array.

In Kikuchi, a controller 10 is a chip that is provided separately from flash memory chips (FM0 – FMn). In contrast, the circuit of the present invention is provided in a non-volatile semiconductor memory device. Since the non-volatile semiconductor memory device of the present invention comprises a control circuit, it has the function of reading data stored in one page, and the function of rewriting part of the read data and writing the rewritten data to the other page. The flash memory chip of Kikuchi cannot perform such functions.

It is therefore clear that Kikuchi does not disclose or even suggest a control circuit configured to read data stored in one page of the memory cell array and to rewrite part of the read data and write the rewritten data in the other page of the memory cell array, as recited in claim 18 of the present invention. Thus, Kikuchi does not anticipate claim 18 and its dependent claims 19-29.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he is invited to call the undersigned at the telephone number provided below.

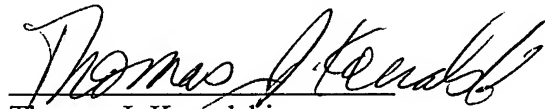
The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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